

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 09-CR-043 SPF

**LINDSEY KENT SPRINGER,
OSCAR AMOS STILLEY**

DEFENDANT

PROPOSED SUMMARY OF THE INDICTMENT BY OSCAR STILLEY

Comes now **OSCAR AMOS STILLEY**¹ by limited special appearance, and not a general appearance, and for his proposed summary of the indictment states:

This proposed summary is without prejudice to the claim that the jury should receive the entire indictment at the commencement of the case.

This proposed summary of the indictment is submitted separately because the government chose to submit its version on the deadline date and then failed to participate in even one phone call for the purpose of attempting to secure an agreed proposed summary. That being said, Defendant Oscar Stilley proposes the following summary:

¹ It is presumed that the plaintiff is master of his own complaint. This complaint is styled in the name of "**UNITED STATES OF AMERICA**" as opposed to the people thereof, or any grand jury. Plaintiff, whoever that may actually be, named **OSCAR AMOS STILLEY** as a Defendant. Therefore, **OSCAR AMOS STILLEY** has appeared specially and limited, challenging jurisdiction, to defend against the charges to the extent required so to do by the law.

At this time I will read to you a summary of the charges in the indictment. Keep in mind that this is merely a summary of the indictment, to assist you in understanding the matter before the Court. If this summary is inconsistent with the evidence presented, or the jury instructions by the Court, you should disregard what you hear in the summary, and base your decision on the evidence and my jury instructions.

In Count One, the Indictment charges that from the year 2000 to January 15, 2009, Defendants Springer and Stilley conspired to defraud the United States by working together to impede and impair the ability of the Internal Revenue Service to ascertain, compute, assess, and collect the federal income tax liabilities owed by Defendant Springer. The Indictment charges that, in an attempt to evade his federal income tax obligations, Defendant Springer conspired with Defendant Stilley and others to hide the fact that Defendant Springer received gross income.

The Indictment charges in Count 1 that Defendant Springer earned taxable income and utilized various means to hide this fact. These means included using the nominee name Bondage Breakers Ministry, using Defendant Stilley's attorney-client trust account to transmit funds to Defendant Springer, and using Defendant Stilley's credit card for

Defendant Springer's purchases, with reimbursement later made by Defendant Springer. The Indictment alleges that the defendants took these and other steps to impede, impair, obstruct and defeat the Internal Revenue Service in its ascertainment, computation, assessment and collection of federal income tax liabilities owed by Defendant Springer for years 2000, 2003 and 2005.

The elements of conspiracy "to defraud" under 18 U.S.C. § 371 are "that (1) the defendant entered into an agreement; (2) the agreement was an agreement to violate the law; (3) one of the members of the conspiracy committed an overt act; (4) the overt act was in furtherance of the conspiracy's object; and (5) the defendant wilfully entered the conspiracy," and (6) interdependence among the alleged co-conspirators; that is the members, in some way or manner, intended to act together for their shared mutual benefit within the scope of the conspiracy charged.

Defendant Springer only is charged in Count Two with attempting to evade Defendant Springer's income tax liability for the years 2000 in violation of Title 26, United States Code, Section 7201. The elements of attempted tax evasion are: (1) a substantial tax liability was due and

owing by Springer for the year 2000; (2) willfulness; and (3) an affirmative act constituting evasion or attempted evasion of payment regarding the tax liability owed by Springer.

Defendants Springer and Stilley are charged in Counts Three and Four with attempting to evade Defendant Springer's income tax liability for the years 2003 and 2005, respectively, in violation of Title 26, United States Code, Section 7201. Defendant Stilley is charged in these counts only on a theory of aiding and abetting Lindsey Springer's alleged tax evasion.

Additionally, Defendant Springer is charged individually, in Counts Five and Six, with willfully failing to file his federal income tax returns for the years 2002 and 2004, in violation of Title 26, United States Code, Section 7203. The elements of willful failure to file are: (1) the defendant was a person required to file a return; (2) the defendant failed to file at the time, in the place, in the manner, and to the proper official as required by law; and (3) the failure to file was willful.

For purposes of this case, the term "wilful" or "wilfulness" means (1) one or more specific provisions of law imposed a duty upon the defendant (2) the defendant was aware of such provision or provisions of law, and (3) that he voluntarily and intentionally violated the duty

imposed by those legal provisions.

The Defendants have both challenged venue. Venue, in cases of an alleged omission, is determined by the place the act was required by law to have been performed. The government has the burden of proving venue to the preponderance of the evidence. Thus the government will be required to present evidence that the willful acts or omissions alleged in the indictment took place within the geographic confines of the Northern District of Oklahoma.

Respectfully submitted,

By: /s/ Oscar Stilley
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CERTIFICATE OF SERVICE

I, Oscar Stilley, by my signature above certify that I have this September 21, 2009, caused the Plaintiff to be served with a copy of this pleading by CM/ECF to: Kenneth P. Snoke, United States Attorney's Office, 110 W 7th Street, Suite 300, Tulsa , OK 74119-1013, ken.snoke@usdoj.gov; Charles A O'Reilly, US Dept of Justice, PO Box 972, Washington , DC 20044, email charles.a.o'reilly@usdoj.gov . Also by email to Lindsey K. Springer at Gnutella@mindspring.com .